

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-9 are pending in the application. In the Office Action, the Examiner rejected Claims 1-3 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,778,304 to *Grube et al.* (hereinafter *Grube*) in view of U.S. Patent No. 6,985,723 to *Kil*, which is commonly assigned to the assignee of the present application. The Examiner rejected Claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over *Grube* and *Kil*, and further in view of U.S. Publication No. 2002/0106202 to *Hunter*. The Examiner rejected Claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Grube* in view of U.S. Publication No. 2003/0008662 to *Stern et al.* (hereinafter *Stern*) and *Kil*.

Regarding the rejection of Claims 1-3 and 7 under §103(a), it is respectfully asserted that under 35 U.S.C. §103(c), *Kil* is an improper reference since the subject matter of *Kil* and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. As a result, it is respectfully submitted that the §103(a) rejection of Claims 1-3 and 7 citing *Grube* in view of *Kil* is improper, and should be withdrawn. Accordingly, withdrawal of the same is respectfully requested.

Regarding the rejection of Claims 4-6 under §103(a), as well as the rejection of Claims 8-9 under §103(a), since both of these rejections also cite *Kil* as a reference (Claims 4-6 cite *Grube* in view of *Kil* and further in view of *Hunter*, and Claims 8-9 cite *Grube* in view of *Stern* and *Kil*), it is respectfully submitted that these rejections should also be withdrawn for at least the same reasons under §103(c) as stated above with respect to the rejection of Claims 1-3 and 7. Accordingly, withdrawal of the respective §103(a) rejections of Claims 4-6 as well as Claims 8-9 is respectfully requested.

Independent Claims 1, 7, 8 and 9 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, these are likewise believed to be

allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-9, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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